



# Department of Planning, Housing, & Community Development

**Mayor, Matthew T. Ryan**

*Director, Tarik Abdelazim*

## ***STAFF REPORT***

TO: Zoning Board of Appeals Members  
FROM: Planning Staff  
DATE: May 14, 2013  
SUBJECT: 20 Hawley Street; Area Variance  
TAX ID #: 160.41-1-16  
CASE: 2013-14  
COPIES: B. Seachrist, T. Costello, L. Webb (District 4), J. Genzano, File

### **A. REVIEW REQUESTED**

Hawley Street Members, LLC has submitted an application for an area variance of Minimum Off-Street Parking in conjunction with an application for Series A Site Plan & Special Use Permit review for a proposed project involving new construction of additions to existing structures at the property known as 20 Hawley Street.

The applicant proposes to add 5 stories to each of the existing one-story “annex structures” located at the southeast and southwest corners of the subject property. Each proposed addition would add 45,000 gross square feet of residential space (four dwelling units per floor), for a total of 90,000 gsf accommodate 40 new units, 180 bedrooms.

In the C-2 District, off-street parking requirements do not apply to uses proposed within existing structures where no opportunity to provide parking exists, however projects involving new construction or expansion must meet the requirement. The newly-constructed additions will contain 40 dwelling units, requiring provision of a minimum of 93 off-street parking spaces (40 x 2.33).

The sub-surface parking area located at the subject site, containing 174 parking spaces, was factored into the 2010 and 2011 Series A Site Plan & SUP approvals issued by Planning Commission for the existing mixed-use development, with no excess spaces, and therefore cannot be used to meet the off-street parking requirement for this project. AWRE, Inc., therefore, has applied for an area variance for minimum off-street parking from the Zoning Board of Appeals.

	Proposed	Required	Variance Requested
Minimum Off-Street Parking Spaces (Total: Existing & Proposed Dwelling Units and all Commercial Areas (~10,000 sf))	174 off-street parking spaces	295* off-street parking spaces	121* off-street parking spaces
*Planning Commission is authorized to waive up to 20% of any off-street parking requirement. If granted, the total requirement for the site would be 236 spaces, and a requested variance for 62 spaces.			

In granting an area variance, the Zoning Board of Appeals must weigh the benefit to the applicant if the variance is granted against the detriment to the health, safety, and welfare of the neighborhood or community by such a grant. The following must also be considered:

- (a). **Undesirable change**: Whether an undesirable change will be produced in the character of the neighborhood, or whether a detriment to nearby properties will be created;
- (b). **Reasonable alternative**: Whether the Applicant can achieve his goals via a reasonable alternative that does not involve the necessity of an area variance;
- (c). **Substantial request**: Whether the variance requested is substantial;
- (d). **Physical and Environmental Conditions**: Whether the requested variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district;
- (e). **Self-created hardship**: Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

## **B. ADDITIONAL REVIEWS**

The project requires Series A Site Plan / Special Use Permit approval from the Planning Commission.

The subject property is not located within an historic district and therefore does not require design review from the Commission on Architecture and Urban Design (CAUD).

The project requires 239-m Review due to its proximity to a Broome County-owned property. Case materials have been distributed for review, comments are pending.

The project is located within the boundaries of the LWRP; the applicant has submitted an application for review by the Waterfront Advisory Committee (WAC). The project is currently under review.

## **C. SITE REVIEW**

The property known as 20 Hawley Street is a rectangular-shaped parcel containing approximately 1.72 acres of land. It is bound by Hawley Street to the north, State Street to the east, Stuart Street to the south, and Washington Street to the west. The site is improved by a nine-story structure, 2 one-story “annex buildings,” and a landscaped plaza in the center of the property. A sub-surface parking area containing 174 vehicle parking spaces and is located under the site, with ingress from Washington Street and egress onto State

Street. Prior to the existing mixed-use occupation, the existing structures had been utilized for a variety of uses, including a bank and various office occupancies.

Land use in the vicinity of 20 Hawley Street is primarily mixed-use, multi-story structures and public buildings. The Broome County Veterans Memorial Arena is located to the south of the site, a commercial plaza containing a Holiday Inn hotel is located to the west, and Government Plaza to the east. The Collier Street Public Parking Garage occupies the northeast corner of State Street and Hawley Street, the Bache Building (professional offices) occupies the northwest corner. The Binghamton University Downtown Center (UDC) is located southwest of the subject property on Washington Street.

#### **D. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY**

20 Hawley Street: On August 2, 2010, the Planning Commission granted SUP/Series-A Site Plan approval for a mixed-use project involving the conversion of existing primary structure's (former Marine Midland Bank) 2<sup>nd</sup>-9<sup>th</sup> floors to residential units (55 units/210 bedrooms) to multi-unit dwelling, with the 1<sup>st</sup> floor and two on-site annex buildings reserved for commercial use.

20 Hawley Street: On May 2, 2011, the Planning Commission granted SUP/Series A Site Plan Modification approval for modifications to a previously approved (August 2, 2010) mixed-use project in the C-2 District, to convert the 2<sup>nd</sup>-9<sup>th</sup> floors of the primary structure to 80 units/253 bedrooms, and convert portions of the 1<sup>st</sup> floor and annex buildings to residential units (11 units/39 bedrooms), on the following conditions:

1. That the applicant shall install intervening landscaping along the frontages of the 1<sup>st</sup> floor residential units on the east and west perimeters of the primary structure, between the building and the bicycle racks indicated on the updated site plan dated 04.21.2011. The planting type & amount shall be determined in consultation with the Shade Tree Commission.
2. That the applicant shall install plantings (where appropriate) along the southern fence line.
3. That the applicant shall relocate or remove the '20 Hawley Street' sign box from the northeast corner of the parcel.
4. That the applicant shall submit to Planning Staff a revised site plan and landscaping plan incorporating the recommendations of the Shade Tree Commission.

#### **E. ENVIRONMENTAL IMPACT**

The applicant's proposal is a SEQR **UNLISTED** Action. The Planning Commission may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
  - a. Type I
  - b. Type II
  - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

## F. STAFF FINDINGS

Planning Staff recommend that the requested area variance be **approved**, based on the following findings:

1. The Zoning Board of Appeals must determine if the requested variance will produce an undesirable change in the character of the neighborhood.

The character of the neighborhood is that of a dense downtown district with many multi-story, mixed-use, zero-lot-line structures; granting the requested variance will not produce a negative change in the character of the neighborhood.

2. The Zoning Board of Appeals must determine if there are any reasonable alternatives to the proposed variances.

Creation of a surface parking area to meet the off-street parking requirement would not be consistent with goals for a contiguous street wall of structures containing ground floor uses that generate vibrancy for a densely-populated urban core. A city-owned public-parking garage is located ~150 feet from the site; the applicant cannot obtain dedicated use of parking spaces within it, but building tenants and users will have 24-hour access on an as-needed basis.

3. The Zoning Board of Appeals must determine if the requested area variance is substantial.

The subject site offers 174 parking spaces in a sub-surface garage for tenant use, and is located in

close proximity to many on-street metered parking spaces. Public transportation serves the site in the form of 2 bus services, Broome County Transportation and Off Campus College Transport, Inc. OCC Transport is a free shuttle for Binghamton University students to its Vestal campus that operates during the academic year (2 stops an hour, Monday thru Friday (7:00am-1:00am) and hourly service on weekends) from the University Downtown Center located ~150 feet from the subject property. B.C. Transit stops for 6 bus routes are located within close proximity to the site. Bicycle racks accommodating 54 bicycle parking spaces are located outside 3 access points to the primary structure, and 18 bicycle parking spaces are offered with the sub-surface garage.

The close proximity of a public parking garage and ample access to public transportation, as well as the availability of on-site parking spaces, meets the transportation demand of the proposed project. The suggested condition of approval (see Section G, below), to create a bicycle parking room within the development, would further mitigate potential for vehicular congestion through the facilitation of an alternate mode of transportation for building tenants. Considering these conditions and mitigation measures, the requested area variance is not considered substantial.

4. The Zoning Board of Appeals must determine whether the alleged difficulty was self created.

The proposed project would result in optimal utilization of land in the downtown business district for uses consistent with development goals identified in the most recent Comprehensive Plan. The project's non-conformity for off-street parking results is a result of a proposal that better realizes important goals of population density and commercial vibrancy in the city's downtown district. Utilization of additional area within the C-2 District would be inconsistent with desired urban design and land use goals for the district.

## **G. SUGGESTED CONDITIONS**

1. That a bicycle storage room, containing no less than 20 spaces, be installed in an easily accessible area on the ground floor of one of the subject structures. The location of this facility should be indicated on a revised floor plan for review and approval by Planning Division Staff.

## **I. ENCLOSURES**

Enclosed is a copy of the submitted plan packet and application.

Sincerely,

Patrick C. Day  
Planner

Enclosures